

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 225 of 2020**

1. Aashish Kumar Kesharwani S/o Late Shiv Prasad Kesharwani Aged About 37 Years Assistant Grade-3 Public Works Department Manendragarh District Koriya, Chhattisgarh, R/o Old Mines Quarter, Ward No. 3, In Front Of Girls Primary School Pondi, West Chirmiri, Tahsil Baikunthpur, , District : Koriya (Baikunthpur), Chhattisgarh
2. Smt. Priti Keshrwani W/o Shri Sushil Kesharwani Aged About 33 Years R/o Old Mines Quarter, Ward No. 3, In Front Of Girls Primary School Pondi, West Chirmiri, Tahsil Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through P.S. Sonhat District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	:	Mr. F.S. Khare, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19-06-2020**

Heard.

1. The applicants have preferred this bail application under Section 438 of Code of Criminal Procedure, 1973 for grant of anticipatory apprehending their arrest in connection with Crime No. 11 of 2020 registered at Police Station Ramanujganj, District Balrampur (C.G.) for alleged commission of offence under Section 498-A of IPC.

2. Case of the prosecution is that the present applicants being husband and sister-in-law, subjected the complainant who is wife of applicant No.1 Aashish Kumar Kesharwani to cruelty in connection with demand of dowry. It is alleged that the applicants demanded a car and Rs.1,00,000/- which were not given, therefore, complainant was subjected to cruelty.

3. Learned counsel for the applicants would submit that the allegations are false and fabricated. He would further submit that marriage was solemnized on 2-6-2017 and out of this wedlock, a girl child was also born after one year. Making of such allegation of demand of dowry for the first time by written complaint on 22-11-2019 is motivated only to compel the applicants to accept the terms on which the complainant is willing to continue in marital relationship with applicant No.1 Aashish Kumar Kesharwani.

4. On the other hand, learned counsel for the State opposes prayer for grant of anticipatory bail and submits that the complainant has lodged a written complaint on 22-11-2019 in which specific allegation of demand of car and Rs.1,00,000/- were made. The cruelty is alleged to be acted on such demand, therefore, prima facie, a case is made out.

5. Taking into consideration the submission of counsel for the parties, material available on record, particularly taking into consideration that the marriage was solemnized on 2-6-2017 and a girl child was born where report of alleged demand of dowry is made for the first time on 22-11-2019 and also taking into consideration

that during the course of counseling between husband and complainant/wife, the wife had stated her willingness to reside with her husband and mother-in-law on the condition that the brother-in-law and sister-in-law should live and reside separately, I am inclined to admit the applicants to grant of anticipatory bail.

6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions.

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju